



1644
1/PW

I hereby Certify that this Correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on December 30, 2004
Susan L. Eick

Susan L. Eick
Signature
December 30, 2004
Date of Signature

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Foster et al.

Examiner: Phuong Huynh

Filed: August 14, 2002

Art Unit: 1644

Serial No. 10/088,665

For: Inhibition of Secretion from Non-Neuronal Cells

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to a communication dated November 30, 2004, subjecting the claims to a Restriction requirement, Applicants respectfully traverse the restriction requirement and respond as follows.

The Examiner deems the application to contain 4 groups of claims. As indicated on page 3 of the Office Communication, the Examiner has indicated that the instant invention does not have a single inventive step when viewed over the reference of Chaddock et al. (2000). Applicants respectfully point out that the priority date of the instant application is prior to the date of the Chaddock et al. reference.

The instant National Phase application is based on a PCT application no. PCT/GB00/03681 which was filed on September 25, 2000 which in turn claims priority to a United Kingdom application no. GB9922558.3 filed on September 23, 1999. These priorities are claimed in the Declaration filed with the application. A request to correct the priority information in the USPTO database and to issue a corrected filing receipt has already been filed

Response to Restriction Requirement

Application Serial No. 10/088,665

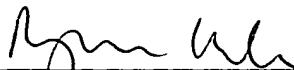
Page 2

by the Applicants on December 21, 2004. Accordingly, it is requested that this restriction be withdrawn.

As required under 35 USC 121, Applicants provisionally elect Group I (claims 1-3, 8-9, 22-25 and 38). Further, Applicants elect the species wherein the third domain is IL-8 (claim 8). The claims that read on the above species are 1-3, 8-9, 22-24 and 38.

This response is being filed within one month of the Office Communication and therefore it is believed that no fee is due. If that is incorrect, any fee due may be charged to Deposit Account no. 08-2442.

Respectfully submitted,

By: 
Ranjana Kadle, Reg. No. 40,041

HODGSON RUSS LLP
One M & T Plaza, Suite 2000
Buffalo, New York 14203-2391
Dated: December 30, 2004

BFLODOCS: 911457 v1 (JJ@901!.DOC)